## IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF PENNSYLVANIA

SHEET METAL WORKERS :

LOCAL 441 HEALTH & WELFARE :

PLAN, et al., : CIVIL ACTION

Plaintiffs :

:

v. : NO. 04-5898

:

GLAXOSMITHKLINE, PLC, et al,
Defendants

iluants

:

## ORDER

## STENGEL, J.

**AND NOW,** this 2nd day of November, 2009, upon careful consideration of the defendants' motion for judgment on the pleadings (Document #221) and the plaintiffs' response thereto, IT IS **HEREBY ORDERED** that:

- 1. The defendants' motion for judgment on the pleadings is **GRANTED** with respect to all antitrust and consumer protection claims in Counts I and II of the Amended Consolidated Complaint. These claims are dismissed without prejudice.
- 2. The defendants' motion for judgment on the pleadings is **DENIED** with respect to the unjust enrichment claims arising under Alabama and Illinois law; it is **GRANTED** with respect to all other unjust enrichment claims in Count III of the Amended Consolidated Complaint, and these claims are dismissed without prejudice.
- 3. Plaintiff Sidney Hillman is dismissed from this action.
- 4. Plaintiffs are granted 30 days leave to amend their complaint to enumerate the states into which reimbursements were sent during the relevant period.

	BY THE COURT:
	/s/ Lawrence F. Stengel
	LAWRENCE F. STENGEL, J.